

Wallace

Bernard
Schultz

By: _____

S. B. No. 3

James
Michael
Kennard
Brook

A BILL TO BE ENTITLED
AN ACT

providing for the preservation and enhancement of scenic beauty of lands bordering certain public highways; providing for the control and regulation of outdoor advertising and certain junkyards and automobile graveyards by the Texas Highway Commission; providing for the establishment of a Texas Highway Beautification Fund in the State Treasury; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Short Title. This Act may be cited as the Highway Beautification Act.

Sec. 2. Definitions. In this Act, unless the context requires a different definition.

(A) "Commission" means the Texas Highway Commission;

(B) "Interstate System" means that portion of the national system of interstate and defense highways located within this State which now or hereafter may be designated officially by the Commission and approved pursuant to Title 23, United States Code;

(C) "Primary System" means that portion of connected main highways located within this State which now or hereafter may be designated officially by the Commission and approved pursuant to Title 23, United States Code;

(D) "Outdoor Advertising" or "Sign" includes any outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster, billboard, or other thing which is designed, intended, or used to advertise or inform, if any part of the

advertising or information contents is visible from any place on the main traveled way of the interstate or primary systems;

(E) "Junk" means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles or parts thereof, or iron, steel and other old or scrap ferrous or nonferrous material;

(F) "Automobile Graveyard" means any establishment or place of business which is maintained, used or operated for storing, keeping, buying or selling wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts;

(G) "Junkyard" means any establishment or place of business maintained, used or operated for storing, keeping, buying or selling junk, for processing scrap metal, or for the maintenance or operation of an automobile graveyard, including garbage dumps and sanitary fills;

(H) "Person" means any person, firm or corporation.

Sec. 3. Purpose. Subject to the availability of State and Federal funds, it is the desire and intent of the Legislature to comply with the Highway Beautification Act of 1965

(Public Law 89-285) as and to the extent that it may be implemented by Congress, and the Legislature declares that in order to promote the health safety, welfare, morals, convenience and enjoyment of the traveling public and to protect the public investment in the interstate and primary highway systems, it is necessary to regulate the erection and maintenance of outdoor advertising and the establishment, operation and maintenance of junkyards and automobile graveyards in areas adjacent to the

interstate and primary systems. The landscaping and developing of recreational areas, acquisition of interests in and improvement of strips of land within, adjacent to or within view of the interstate or primary systems, which are necessary for the restoration, preservation and enhancement of scenic beauty and the development of publicly owned and controlled rest and sanitary facilities within or adjacent to the highway right-of-way are all means of protecting and providing for the general welfare of the traveling public and promoting the safety of all citizens utilizing the highways of this State.

Sec. 4. Control Of Outdoor Advertising.

(A) No outdoor advertising may be erected or maintained within 660 feet of the nearest edge of the right-of-way, and visible from the main traveled way, of the interstate or primary systems, except:

(1) Directional and other official signs authorized by law, including signs pertaining to natural wonders and scenic and historic attractions;

(2) Signs advertising the sale or lease of the property upon which they are located;

(3) Signs advertising activities conducted on the property upon which they are located;

(4) Signs located in areas in which the land use is designated industrial or commercial under authority of law, such areas to be determined from actual land uses and defined by regulations established by the Commission;

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(5) Signs located in areas in which the land use is not designated industrial or commercial under authority of law but in which the land use is consistent with areas designated industrial or commercial, such areas to be determined from actual land uses and defined by regulations established by the Commission.

(B) The Commission may promulgate rules to regulate the orderly and effective display of outdoor advertising consistent with the customary use of outdoor advertising within this State in areas in which the land use is designated industrial or commercial under authority of law and in areas in which the land use is not designated industrial or commercial under authority of law but in which the land use is consistent with areas designated industrial or commercial, as provided for in Section 4(A) of this Act.

(C) The Commission may enter into agreements with the Secretary of Transportation to regulate the orderly and effective display of outdoor advertising within this State in the areas described in Subsection (B) of this section.

(D) The Commission is authorized to purchase or to acquire by eminent domain signs which are

(1) Lawfully in existence on the interstate or primary systems on the effective date of this Act; or

(2) Lawfully in existence on any highway made a part of the interstate or primary systems after the effective date of this Act.

(E) The Commission shall pay just compensation for

(1) The taking from the owner of sign of all right, title, leasehold and interest in the sign; and

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(2) The taking from the owner or, if appropriate, the lessee of the real property on which the sign is located of the right to erect and maintain the sign.

Sec. 5. Licenses.

(A) No person may erect or maintain a sign within 660 feet of the interstate or primary systems until he has a license issued by the Commission to do so.

(B) The Commission shall issue a license to a person who

(1) Completes the application form specified by the Commission within the time specified by the Commission;

(2) Pays the license fee of \$25; and

(3) Files with the Commission surety bonds in the amount of \$2,500 for each county in the State in which the person erects or maintains outdoor advertising, such bonds to be payable to the Commission to reimburse it for removal costs of a sign the licensee unlawfully erects or maintains; provided, however, that no person shall be required to provide more than \$10,000 in surety bonds to comply with this subdivision.

(C) The Commission may revoke or suspend a license issued under this section if the licensee

(1) Violates a provision of this Act; or

(2) Violates a Commission rule adopted under this Act.

(D) A person whose license is revoked or suspended may appeal the revocation or suspension to a district court in Travis County. The appeal must be taken within 15 days after the Commission's action.

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Sec. 6. Permits.

(A) Before a person with a license may erect or maintain a sign within 660 feet of the interstate or primary systems, he must have a permit for each sign.

(B) The Commission shall promulgate rules specifying

(1) a reasonable fee for each permit;

(2) the time for and manner of applying for a permit and the form of the permit application; and

(3) the information that must be in a permit application.

(C) The Commission shall issue a permit to every person with a license whose license application complies with the rules of the Commission adopted under Section 5 of this Act and whose sign, if erected, would comply with this Act and rules of the Commission adopted under Section 4(B) of this Act.

(D) A permit issued to control the erection and maintenance of outdoor advertising by a political subdivision of this State within the jurisdiction of the political subdivision shall be accepted in lieu of the permit required by this section, provided that such erection and maintenance of outdoor advertising is in compliance with Section 5 of this Act and the rules of the Commission adopted under Section 4(B) of this Act.

(E) All monies received by the Commission under the provisions of this Act shall be deposited in the Treasury of the State and placed in a special fund to be known as the "Texas Highway Beautification Fund" which shall be used by the Commission in the administration of this Act.

Sec. 7. Exceptions. Nothing in Sections 5 and 6 of this Act is to be construed to require any person to obtain a license

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or permit to erect or maintain any sign advertising the sale or lease of the property upon which it is located; nor is any person required to obtain a license or permit to erect or maintain any sign which relates solely to activities conducted on the property upon which the sign is erected or maintained. Nothing in this Act shall apply to any sign or marker giving information about the location of underground electric transmission lines, telegraph or telephone properties and facilities, pipelines, public sewers or waterlines.

Sec. 8. Official Signs. The Commission may designate and provide official signs which may be erected and maintained within the right-of-way at appropriate distances from interchanges and appropriate locations on the interstate and primary systems giving specific information of interest to the traveling public, including specific brand names.

Sec. 9. Control of Junkyards and Automobile Graveyards.

(A) No person shall establish, operate or maintain a junkyard or automobile graveyard any portion of which is within 1,000 feet of the nearest edge of the right-of-way of the interstate or primary systems, except

(1) Those screened by natural objects, plantings, fences or other appropriate means so as not to be visible from the main traveled way of the interstate or primary systems; or

(2) Those located in areas which are zoned or unzoned industrial areas, such areas to be determined from actual land uses and defined by regulations established by the Commission.

(B) The Commission is authorized to screen, if possible, with natural objects, plantings, fences or other appropriate means any

junkyard or automobile graveyard lawfully in existence if the junkyard or automobile graveyard is within 1,000 feet of the nearest edge of the right-of-way of the interstate or primary systems. The Commission is authorized to acquire areas outside the highway right-of-way so that any junkyard or automobile graveyard may be screened from the main traveled way of the interstate or primary systems.

(C) The Commission is authorized to promulgate rules and regulations governing the location, planting, construction and maintenance of the materials used in screening junkyards and automobile graveyards as required by this Act.

(D) If the Commission determines that screening a junkyard or automobile graveyard is not feasible, the Commission shall pay just compensation to

(1) The owner of the junkyard or automobile graveyard for its relocation, removal or disposal; and

(2) The owner or, if appropriate, the lessee of the real property on which the junkyard or automobile graveyard is located for the taking of the right to erect and maintain a junkyard or automobile graveyard.

(E) The Commission shall compensate only those owners of junkyards or automobile graveyards and those owners or lessees of the real property on which the junkyards or automobile graveyards are located which are

(1) Lawfully in existence on the interstate or primary systems on the effective date of this Act; or

(2) Lawfully in existence on any highway made a part of

the interstate or primary systems after the effective date of this Act.

Sec. 10. Landscaping and Scenic Enhancement.

(A) The Commission is authorized to acquire, improve and maintain strips of land necessary for the restoration, preservation and enhancement of scenic beauty within, adjacent to or within view of any federal-aid highway in this State, including the acquisition and development of such rest and recreation areas and sanitary and other facilities within or adjacent to the highway right-of-way as are necessary to accommodate the traveling public.

(B) The interest in any land authorized to be acquired and maintained in this section may be the fee simple or any lesser interest, as determined necessary by the Commission. The acquisition may be by gift, purchase, exchange or condemnation.

Sec. 11. Powers of Acquisition.

(A) The Commission is authorized to acquire by gift, purchase, exchange or condemnation any land, or interest therein, and any property or property right of any kind or character which it may deem necessary or convenient for the purpose of carrying out the provisions of this Act.

(B) Upon delivery to and acceptance by the Commission of instruments conveying to the State of Texas any interests in lands, property or property rights deemed necessary or convenient by the Commission to effectuate the purposes of this Act, the Commission shall prepare and transmit to the Comptroller of Public Accounts vouchers covering the Commission's costs in acquiring such interests in lands, property or property rights, and the Comptroller of Public Accounts is hereby

authorized and directed to issue warrants on the appropriate account covering the State's obligations as evidenced by such vouchers.

(C) Any land owned by the State of Texas or any agency or department thereof shall be controlled and shall be subject to the terms of this Act the same as though such land were in private ownership.

(D) The exercise of the powers of eminent domain authorized by this Act are the same as that authorized by Section 4, Chapter 300, Acts of the 55th Legislature, 1957 (Article 6674w-3, Vernon's Texas Civil Statutes).

Sec. 12. Recording; Disposal of Surplus Property.

(A) In the implementation of this Act all instruments conveying land or an interest in land to the State of Texas shall be recorded in the deed records of the county or counties wherein the land is situated. The State shall pay the fees for recording such instruments in the same manner as fees are paid for the recording of highway right-of-way instruments and in accordance with the laws of this State establishing fees to be charged by the county clerk for the recording of such instruments.

(B) Any land or interest in land acquired for the purpose of carrying out the provisions of this Act which becomes surplus and is, in the opinion of the State Highway Commission, no longer needed by the State for the purposes for which it was acquired or for highway purposes shall be disposed of in accordance with the provisions of Acts of the 42nd Legislature, Chapter 99, Page 170, codified as Article 6673a, Vernon's Civil Statutes of Texas, as

amended by Acts of the 53rd Legislature, Chapter 323, Section 1, Page 795, and as amended by Acts of the 60th Legislature, Chapter 471, Section 1, Page 1076.

Sec. 13. Areas Beyond 660 Feet. No outdoor advertising may hereafter be erected which is more than 660 feet beyond the nearest edge of the right-of-way, but is visible from the main traveled way, of the interstate or primary systems, except:

(A) Signs provided for in Sections 4(a)(1), 4(a)(2) and 4(a)(3) of this Act, and

(B) Signs separated from the nearest edge of the highway right-of-way by an area described in Section 4(a)(4) or 4(a)(5) of this Act.

Sec. 14. Penalty. Any person who willfully violates any provision of this Act or willfully violates any rule or regulation promulgated by the Commission in accordance with the requirements of this Act is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than \$25 nor more than \$200. Each day of such willfull violation shall constitute a separate offense.

Sec. 15. Severability Clause. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 16. Emergency. The importance of this legislation and the crowded condition of the calendars in both Houses create

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an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the Rule is hereby suspended.

Austin, Texas

March 29, 1972

Hon. Ben Barnes
President of the Senate

Sir:

We, your Committee on

Transportation

to which was referred S B. No. 3, have had the same

under consideration, and I am instructed to report it back to

the Senate with the recommendation that it do

pass as amended and be _____ printed.

Bates
Chairman

Carter

Committee Substitute for Com. Amend. FF 1

Amend S. B. 3 by striking Section 13 and inserting in lieu thereof the following:

Section 13. AREAS BEYOND 660 FEET. Should subsequent legislation in this State prohibit any outdoor advertising which is more than 660 feet beyond the nearest edge of the right-of-way, but is visible from the main traveled way, of the interstate or primary system, except:

(a) Signs provided for in Sections 4(a) (1), 4(a) (2) and 4(a) (3) of this Act, and

(b) Signs separated from the nearest edge of the highway right-of-way by an area described in Section 4(a) (4) or 4(a) (5) of this Act, then there shall be no necessity of compensation pursuant thereto upon the removal of any such outdoor advertising which may be hereafter erected.

Amend caption to conform to body of bill.

ADOPTED

MAR 29 1972

Charles Schuabert
SECRETARY OF SENATE

S.D. 11-2
ADOPTED

MAR 29 1972

Charles Schuabert
SECRETARY OF SENATE

By: Wallace, Jordan
Bernal, McKool
Schwartz, Kennard
Creighton, Brooks
Mauzy

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A BILL TO BE ENTITLED

AN ACT

providing for the preservation and enhancement of scenic beauty of
lands bordering certain public highways; providing for the control
and regulation of outdoor advertising and certain junkyards and
automobile graveyards by the Texas Highway Commission; providing
for the acquisition and disposal of property for the purposes of
this Act by the Texas Highway Commission; providing for the
establishment of a Texas Highway Beautification Fund in the
State Treasury; providing penalties; providing for appropriations;
and declaring an emergency._____

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Short Title. This Act may be cited as the
Highway Beautification Act._____

Sec. 2. Definitions. In this Act, unless the context
requires a different definition_____

(A) "Commission" means the Texas Highway Commission;_____

(B) "Interstate System" means that portion of the national
system of interstate and defense highways located within this
State which now or hereafter may be designated officially by the
Commission and approved pursuant to Title 23, United States Code;_____

(C) "Primary System" means that portion of connected main
highways located within this State which now or hereafter may be
designated officially by the Commission and approved pursuant to
Title 23, United States Code;_____

(D) "Outdoor Advertising" or "Sign" includes any outdoor
sign, display, light, device, figure, painting, drawing, message,_____

plaque, poster, billboard, or other thing which is designed, intended, or used to advertise or inform, if any part of the advertising or information contents is visible from any place on the main traveled way of the interstate or primary systems;

(E) "Junk" means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles or parts thereof, or iron, steel and other old or scrap ferrous or nonferrous material;

(F) "Automobile Graveyard" means any establishment or place of business which is maintained, used or operated for storing, keeping, buying or selling wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts;

(G) "Junkyard" means any establishment or place of business maintained, used or operated for storing, keeping, buying or selling junk, for processing scrap metal, or for the maintenance or operation of an automobile graveyard, including garbage dumps and sanitary fills;

(H) "Person" means any person, firm or corporation.

Sec. 3. Purpose. Subject to the availability of State and Federal funds, it is the intent of the Legislature to comply with the Highway Beautification Act of 1965 (Public Law 89-285) as and to the extent that it may be implemented by Congress, provided, however, that this Act shall be and is conditioned upon the provisions of Public Law 89-285 wherein it establishes the formulae of Federal-State matching funds, on the effective date of this Act, for the purpose of complying with the said Federal Public Law; and the Legislature declares that in order to promote the health, safety, welfare, morals, convenience and enjoyment of the traveling

public and to protect the public investment in the interstate and primary highway systems, it is necessary to regulate the erection and maintenance of outdoor advertising and the establishment, operation and maintenance of junkyards and automobile graveyards in areas adjacent to the interstate and primary systems. The landscaping and developing of recreational areas, acquisition of interests in and improvement of strips of land within, adjacent to or within view of the interstate or primary systems, which are necessary for the restoration, preservation and enhancement of scenic beauty and the development of publicly owned and controlled rest and sanitary facilities within or adjacent to the highway right-of-way are all means of protecting and providing for the general welfare of the traveling public and promoting the safety of all citizens utilizing the highways of this State.

Sec. 4. Control Of Outdoor Advertising.

(A) No outdoor advertising may be erected or maintained within 660 feet of the nearest edge of the right-of-way, and visible from the main traveled way, of the interstate or primary systems, except:

(1) Directional and other official signs authorized by law, including signs pertaining to natural wonders and scenic and historic attractions;

(2) Signs advertising the sale or lease of the property upon which they are located;

(3) Signs advertising activities conducted on the property upon which they are located;

(4) Signs located in areas in which the land use is designated industrial or commercial under authority of law, such

areas to be determined from actual land uses and defined by regulations established by the Commission;_____

(5) Signs located in areas in which the land use is not designated industrial or commercial under authority of law but in which the land use is consistent with areas designated industrial or commercial, such areas to be determined from actual land uses and defined by regulations established by the Commission._____

(6) Signs located on property within the prescribed limits which have as their purpose the protection of life and property._____

(B) The Commission may promulgate rules to regulate the orderly and effective display of outdoor advertising consistent with the customary use of outdoor advertising within this State in areas in which the land use is designated industrial or commercial under authority of law and in areas in which the land use is not designated industrial or commercial under authority of law but in which the land use is consistent with areas designated industrial or commercial, as provided for in Section 4(A) of this Act._____

(C) The Commission may enter into agreements with the Secretary of Transportation to regulate the orderly and effective display of outdoor advertising within this State in the areas described in Subsection (B) of this section._____

(D) The Commission is authorized to purchase or to acquire by eminent domain signs which are _____

(1) Lawfully in existence on the interstate or primary systems on the effective date of this Act; or_____

(2) Lawfully in existence on any highway made a part of the interstate or primary systems after the effective date of this Act._____

(E) The Commission shall pay just compensation for _____

(1) The taking from the owner of sign of all right, title, leasehold and interest in the sign; and _____

(2) The taking from the owner or, if appropriate, the lessee of the real property on which the sign is located of the right to erect and maintain the sign. _____

Sec. 5. Licenses.

(A) No person may erect or maintain a sign within 660 feet of the interstate or primary systems until he has a license issued by the Commission to do so. _____

(B) The Commission shall issue a license to a person who _____

(1) Completes the application form specified by the Commission within the time specified by the Commission; _____

(2) Pays the license fee of \$25; and _____

(3) Files with the Commission surety bonds in the amount of \$2,500 for each county in the State in which the person erects or maintains outdoor advertising, such bonds to be payable to the Commission to reimburse it for removal costs of a sign the licensee unlawfully erects or maintains; provided, however, that no person shall be required to provide more than \$10,000 in surety bonds to comply with this subdivision. _____

(C) The Commission may revoke or suspend a license issued under this section if the licensee _____

(1) Violates a provision of this Act; or _____

(2) Violates a Commission rule adopted under this Act. _____

(D) A person whose license is revoked or suspended may appeal the revocation or suspension to a district court in _____

Travis County. The appeal must be taken within 15 days after the Commission's action._____

Sec. 6. Permits.

(A) Before a person with a license may erect or maintain a sign within 660 feet of the interstate or primary systems, he must have a permit for each sign._____

(B) The Commission shall promulgate rules specifying_____

(1) a reasonable fee for each permit;_____

(2) the time for and manner of applying for a permit and the form of the permit application; and _____

(3) the information that must be in a permit application._____

(C) The Commission shall issue a permit to every person with a license whose license application complies with the rules of the Commission adopted under Section 5 of this Act and whose sign, if erected, would comply with this Act and rules of the Commission adopted under Section 4(B) of this Act._____

(D) A permit issued to control the erection and maintenance of outdoor advertising by a political subdivision of this State within the jurisdiction of the political subdivision shall be accepted in lieu of the permit required by this section, provided that such erection and maintenance of outdoor advertising is in compliance with Section 5 of this Act and the rules of the Commission adopted under Section 4(B) of this Act._____

(E) All monies received by the Commission under the provisions of this Act shall be deposited in the Treasury of the State and placed in a special fund to be known as the "Texas Highway Beautification Fund" which shall be used by the Commission in the administration of this Act._____

Sec. 7. Exceptions. Nothing in Sections 5 and 6 of this Act is to be construed to require any person to obtain a license or permit to erect or maintain any sign advertising the sale or lease of the property upon which it is located; nor is any person required to obtain a license or permit to erect or maintain any sign which relates solely to activities conducted on the property upon which the sign is erected or maintained. Nothing in this Act shall apply to any sign or marker giving information about the location of underground electric transmission lines, telegraph or telephone properties and facilities, pipelines, public sewers or waterlines.

Sec. 8. Official Signs. The Commission may designate and provide official signs which may be erected and maintained within the right-of-way at appropriate distances from interchanges and appropriate locations on the interstate and primary systems giving specific information of interest to the traveling public, including specific brand names.

Sec. 9. Control of Junkyards and Automobile Graveyards.

(A) No person shall establish, operate or maintain a junkyard or automobile graveyard any portion of which is within 1,000 feet of the nearest edge of the right-of-way of the interstate or primary systems, except

(1) Those screened by natural objects, plantings, fences or other appropriate means so as not to be visible from the main traveled way of the interstate or primary systems; or

(2) Those located in areas which are zoned or unzoned industrial areas, such areas to be determined from actual land uses and defined by regulations established by the Commission.

(B) The Commission is authorized to screen, if possible, with natural objects, plantings, fences or other appropriate means any junkyard or automobile graveyard lawfully in existence if the junkyard or automobile graveyard is within 1,000 feet of the nearest edge of the right-of-way of the interstate or primary systems. The Commission is authorized to acquire areas outside the highway right-of-way so that any junkyard or automobile graveyard may be screened from the main traveled way of the interstate or primary systems. _____

(C) The Commission is authorized to promulgate rules and regulations governing the location, planting, construction and maintenance of the materials used in screening junkyards and automobile graveyards as required by this Act. _____

(D) If the Commission determines that screening a junkyard or automobile graveyard is not feasible, the Commission shall pay just compensation to _____

(1) The owner of the junkyard or automobile graveyard for its relocation, removal or disposal; and _____

(2) The owner or, if appropriate, the lessee of the real property on which the junkyard or automobile graveyard is located for the taking of the right to erect and maintain a junkyard or automobile graveyard. _____

(E) The Commission shall compensate only those owners of junkyards or automobile graveyards and those owners or lessees of the real property on which the junkyards or automobile graveyards are located which are _____

(1) Lawfully in existence on the interstate or primary systems on the effective date of this Act; or _____

(2) Lawfully in existence on any highway made a part of the interstate or primary systems after the effective date of this Act.

Sec. 10. Landscaping and Scenic Enhancement.

(A) The Commission is authorized to acquire, improve and maintain strips of land necessary for the restoration, preservation and enhancement of scenic beauty within, adjacent to any federal-aid highway in this State, including the acquisition and development of such rest and recreation areas and sanitary and other facilities within or adjacent to the highway right-of-way as are necessary to accommodate the traveling public.

(B) The interest in any land authorized to be acquired and maintained in this section may be the fee simple or any lesser interest, as determined necessary by the Commission. The acquisition may be by gift, purchase, exchange or condemnation.

Sec. 11. Powers of Acquisition.

(A) The Commission is authorized to acquire by gift, purchase, exchange or condemnation any land, or interest therein, and any property or property right of any kind or character which it may deem necessary or convenient for the purpose of carrying out the provisions of this Act.

(B) Upon delivery to and acceptance by the Commission of instruments conveying to the State of Texas any interests in lands, property or property rights deemed necessary or convenient by the Commission to effectuate the purposes of this Act, the Commission shall prepare and transmit to the Comptroller of Public Accounts vouchers covering the Commission's costs in acquiring such interests in lands, property or property rights, and the Comptroller of Public Accounts is hereby

authorized and directed to issue warrants on the appropriate account covering the State's obligations as evidenced by such vouchers.

(C) Any land owned by the State of Texas or any agency or department thereof shall be controlled and shall be subject to the terms of this Act the same as though such land were in private ownership.

(D) The exercise of the powers of eminent domain authorized by this Act are the same as that authorized by Section 4, Chapter 300, Acts of the 55th Legislature, 1957 (Article 6674w-3, Vernon's Texas Civil Statutes).

Sec. 12. Recording; Disposal of Surplus Property.

(A) In the implementation of this Act all instruments conveying land or an interest in land to the State of Texas shall be recorded in the deed records of the county or counties wherein the land is situated. The State shall pay the fees for recording such instruments in the same manner as fees are paid for the recording of highway right-of-way instruments and in accordance with the laws of this State establishing fees to be charged by the county clerk for the recording of such instruments.

(B) Any land or interest in land acquired for the purpose of carrying out the provisions of this Act which becomes surplus and is, in the opinion of the State Highway Commission, no longer needed by the State for the purposes for which it was acquired or for highway purposes shall be disposed of in accordance with the provisions of Chapter 99, Acts of the 42nd Legislature, 1931, as amended, codified as Article 6673a, Vernon's Texas Civil Statutes.

Sec. 13. Areas Beyond 660 Feet. Should subsequent legislation in this State prohibit any outdoor advertising which is more than 660 feet beyond the nearest edge of the right-of-way, but is visible from the main traveled way, of the interstate or primary system, except: _____

(A) Signs provided for in Sections 4(a)(1), 4(a)(2) and 4(a)(3) of this Act, and _____

(B) Signs separated from the nearest edge of the highway right-of-way by an area described in Section 4(a)(4) or 4(a)(5) of this Act, then there shall be no necessity of compensation pursuant thereto upon the removal of any such outdoor advertising which may be hereafter erected. _____

Sec. 14. Penalty. Any person who willfully violates any provision of this Act or willfully violates any rule or regulation promulgated by the Commission in accordance with the requirements of this Act is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than \$25 nor more than \$200. Each day of such willfull violation shall constitute a separate offense. _____

Sec. 15. Appropriations. There is hereby appropriated to the Commission from the General Fund of the State of Texas \$100,000.00 to be used by the Commission for the implementation of this Act including but not limited to administrative costs and initial compensation for removal of billboards and the screening or removal of junkyards as provided under this Act. This appropriation shall be effective for such funding through the remainder of the 1971-1972 fiscal year ending August 31, 1972. _____

Sec. 16. Severability Clause. If any provision of this Act or the application thereof to any person or circumstance is _____

held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 17. Emergency. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the Rule is hereby suspended.

FORM A

(For favorable and unfavorable reports on bills and resolutions, where no committee amendments are recommended.)

COMMITTEE REPORT

Rayford Price

Date 3/30/72

HON. G. F. (GUS) MUTSCHER

Speaker of the House of Representatives.

Sir:

We, your Committee on State Affairs, to whom was referred S.B. No. 3, have had the same under consideration

and beg to report back with recommendation that it

{ do } pass, and be printed

10 ayes
2 nays

John Stider

Chairman.

(When this form is used for a favorable report on a general bill the words "do not" are marked out. If the bill is a local bill the word "not" should be inserted before the word "printed." When used for an unfavorable report the word "do" is marked out, the comma after "pass" is changed to a period, and the remaining words also marked out.

When this form is used for a simple or concurrent resolution the comma after "pass" should be changed to a period and the remaining words stricken out because resolutions are printed in the Journal when first introduced.)

①

Amendment No. _____

By: Kaster

To amend S.B. No. 37 ^{SECOND PRINTING} page ⁵ Sec. 13 begining on Line ⁴⁹ by deleting in its entirety Sec. 13 and renumbering the subsequent Sections accordingly.

DATE MAR 30 1972

READ AND ADOPTED

Dorothy Hallman
CHIEF CLERK
HOUSE OF REPRESENTATIVES

MAR 30 1972

MOTION TO RECONSIDER THE VOTE BY
WHICH Kaster WAS
ADOPTED / PASSED AND TO TABLE THE MOTION TO RECON-
SIDER PREVAILED PASSED BY A non-rec'd VOTE OF

Dorothy Hallman
CHIEF CLERK HOUSE OF REPRESENTATIVES

AN ACT

providing for the preservation and enhancement of scenic beauty of
lands bordering certain public highways; providing for the control
and regulation of outdoor advertising and certain junkyards and
automobile graveyards by the Texas Highway Commission; providing
for the acquisition and disposal of property for the purposes of
this Act by the Texas Highway Commission; providing for the
establishment of a Texas Highway Beautification Fund in the
State Treasury; providing penalties; providing for appropriations;
and declaring an emergency._____

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Short Title. This Act may be cited as the
Highway Beautification Act._____

Sec. 2. Definitions. In this Act, unless the context
requires a different definition_____

(A) "Commission" means the Texas Highway Commission;_____

(B) "Interstate System" means that portion of the national
system of interstate and defense highways located within this
State which now or hereafter may be designated officially by the
Commission and approved pursuant to Title 23, United States Code;_____

(C) "Primary System" means that portion of connected main
highways located within this State which now or hereafter may be
designated officially by the Commission and approved pursuant to
Title 23, United States Code;_____

(D) "Outdoor Advertising" or "Sign" includes any outdoor
sign, display, light, device, figure, painting, drawing, message,_____

plaque, poster, billboard, or other thing which is designed,
intended, or used to advertise or inform, if any part of the
advertising or information contents is visible from any place on
the main traveled way of the interstate or primary systems;

(E) "Junk" means old or scrap copper, brass, rope, rags,
batteries, paper, trash, rubber, debris, waste, or junked,
dismantled, or wrecked automobiles or parts thereof, or iron, steel
and other old or scrap ferrous or nonferrous material;

(F) "Automobile Graveyard" means any establishment or
place of business which is maintained, used or operated for
storing, keeping, buying or selling wrecked, scrapped, ruined or
dismantled motor vehicles or motor vehicle parts;

(G) "Junkyard" means any establishment or place of business
maintained, used or operated for storing, keeping, buying or
selling junk, for processing scrap metal, or for the maintenance or
operation of an automobile graveyard, including garbage dumps and
sanitary fills;

(H) "Person" means any person, firm or corporation.

Sec. 3. Purpose. Subject to the availability of State and
Federal funds, it is the intent of the Legislature to comply with
the Highway Beautification Act of 1965 (Public Law 89-285) as
and to the extent that it may be implemented by Congress, provided,
however, that this Act shall be and is conditioned upon the
provisions of Public Law 89-285 wherein it establishes the formulae
of Federal-State matching funds, on the effective date of this Act,
for the purpose of complying with the said Federal Public Law; and
the Legislature declares that in order to promote the health,
safety, welfare, morals, convenience and enjoyment of the traveling

public and to protect the public investment in the interstate and primary highway systems, it is necessary to regulate the erection and maintenance of outdoor advertising and the establishment, operation and maintenance of junkyards and automobile graveyards in areas adjacent to the interstate and primary systems. The landscaping and developing of recreational areas, acquisition of interests in and improvement of strips of land within, adjacent to or within view of the interstate or primary systems, which are necessary for the restoration, preservation and enhancement of scenic beauty and the development of publicly owned and controlled rest and sanitary facilities within or adjacent to the highway right-of-way are all means of protecting and providing for the general welfare of the traveling public and promoting the safety of all citizens utilizing the highways of this State.

Sec. 4. Control Of Outdoor Advertising.

(A) No outdoor advertising may be erected or maintained within 660 feet of the nearest edge of the right-of-way, and visible from the main traveled way, of the interstate or primary systems, except: _____

(1) Directional and other official signs authorized by law, including signs pertaining to natural wonders and scenic and historic attractions; _____

(2) Signs advertising the sale or lease of the property upon which they are located; _____

(3) Signs advertising activities conducted on the property upon which they are located; _____

(4) Signs located in areas in which the land use is designated industrial or commercial under authority of law, such _____

areas to be determined from actual land uses and defined by regulations established by the Commission;

(5) Signs located in areas in which the land use is not designated industrial or commercial under authority of law but in which the land use is consistent with areas designated industrial or commercial, such areas to be determined from actual land uses and defined by regulations established by the Commission.

(6) Signs located on property within the prescribed limits which have as their purpose the protection of life and property.

(B) The Commission may promulgate rules to regulate the orderly and effective display of outdoor advertising consistent with the customary use of outdoor advertising within this State in areas in which the land use is designated industrial or commercial under authority of law and in areas in which the land use is not designated industrial or commercial under authority of law but in which the land use is consistent with areas designated industrial or commercial, as provided for in Section 4(A) of this Act.

(C) The Commission may enter into agreements with the Secretary of Transportation to regulate the orderly and effective display of outdoor advertising within this State in the areas described in Subsection (B) of this section.

(D) The Commission is authorized to purchase or to acquire by eminent domain signs which are

(1) Lawfully in existence on the interstate or primary systems on the effective date of this Act; or

(2) Lawfully in existence on any highway made a part of the interstate or primary systems after the effective date of this Act.

(E) The Commission shall pay just compensation for_____

(1) The taking from the owner of sign of all right, title, leasehold and interest in the sign; and_____

(2) The taking from the owner or, if appropriate, the lessee of the real property on which the sign is located of the right to erect and maintain the sign._____

Sec. 5. Licenses.

(A) No person may erect or maintain a sign within 660 feet of the interstate or primary systems until he has a license issued by the Commission to do so._____

(B) The Commission shall issue a license to a person who_____

(1) Completes the application form specified by the Commission within the time specified by the Commission;_____

(2) Pays the license fee of \$25; and_____

(3) Files with the Commission surety bonds in the amount of \$2,500 for each county in the State in which the person erects or maintains outdoor advertising, such bonds to be payable to the Commission to reimburse it for removal costs of a sign the licensee unlawfully erects or maintains; provided, however, that no person shall be required to provide more than \$10,000 in surety bonds to comply with this subdivision._____

(C) The Commission may revoke or suspend a license issued under this section if the licensee _____

(1) Violates a provision of this Act; or_____

(2) Violates a Commission rule adopted under this Act._____

(D) A person whose license is revoked or suspended may appeal the revocation or suspension to a district court in_____

Travis County. The appeal must be taken within 15 days after the Commission's action.

Sec. 6. Permits.

(A) Before a person with a license may erect or maintain a sign within 660 feet of the interstate or primary systems, he must have a permit for each sign.

(B) The Commission shall promulgate rules specifying

(1) a reasonable fee for each permit;

(2) the time for and manner of applying for a permit and the form of the permit application; and

(3) the information that must be in a permit application.

(C) The Commission shall issue a permit to every person with a license whose license application complies with the rules of the Commission adopted under Section 5 of this Act and whose sign, if erected, would comply with this Act and rules of the Commission adopted under Section 4(B) of this Act.

(D) A permit issued to control the erection and maintenance of outdoor advertising by a political subdivision of this State within the jurisdiction of the political subdivision shall be accepted in lieu of the permit required by this section, provided that such erection and maintenance of outdoor advertising is in compliance with Section 5 of this Act and the rules of the Commission adopted under Section 4(B) of this Act.

(E) All monies received by the Commission under the provisions of this Act shall be deposited in the Treasury of the State and placed in a special fund to be known as the "Texas Highway Beautification Fund" which shall be used by the Commission in the administration of this Act.

Sec. 7. Exceptions. Nothing in Sections 5 and 6 of this Act is to be construed to require any person to obtain a license or permit to erect or maintain any sign advertising the sale or lease of the property upon which it is located; nor is any person required to obtain a license or permit to erect or maintain any sign which relates solely to activities conducted on the property upon which the sign is erected or maintained. Nothing in this Act shall apply to any sign or marker giving information about the location of underground electric transmission lines, telegraph or telephone properties and facilities, pipelines, public sewers or waterlines.

Sec. 8. Official Signs. The Commission may designate and provide official signs which may be erected and maintained within the right-of-way at appropriate distances from interchanges and appropriate locations on the interstate and primary systems giving specific information of interest to the traveling public, including specific brand names.

Sec. 9. Control of Junkyards and Automobile Graveyards.

(A) No person shall establish, operate or maintain a junkyard or automobile graveyard any portion of which is within 1,000 feet of the nearest edge of the right-of-way of the interstate or primary systems, except

(1) Those screened by natural objects, plantings, fences or other appropriate means so as not to be visible from the main traveled way of the interstate or primary systems; or

(2) Those located in areas which are zoned or unzoned industrial areas, such areas to be determined from actual land uses and defined by regulations established by the Commission.

(B) The Commission is authorized to screen, if possible, with natural objects, plantings, fences or other appropriate means any junkyard or automobile graveyard lawfully in existence if the junkyard or automobile graveyard is within 1,000 feet of the nearest edge of the right-of-way of the interstate or primary systems. The Commission is authorized to acquire areas outside the highway right-of-way so that any junkyard or automobile graveyard may be screened from the main traveled way of the interstate or primary systems.

(C) The Commission is authorized to promulgate rules and regulations governing the location, planting, construction and maintenance of the materials used in screening junkyards and automobile graveyards as required by this Act.

(D) If the Commission determines that screening a junkyard or automobile graveyard is not feasible, the Commission shall pay just compensation to

(1) The owner of the junkyard or automobile graveyard for its relocation, removal or disposal; and

(2) The owner or, if appropriate, the lessee of the real property on which the junkyard or automobile graveyard is located for the taking of the right to erect and maintain a junkyard or automobile graveyard.

(E) The Commission shall compensate only those owners of junkyards or automobile graveyards and those owners or lessces of the real property on which the junkyards or automobile graveyards are located which are

(1) Lawfully in existence on the interstate or primary systems on the effective date of this Act; or

(2) Lawfully in existence on any highway made a part of the interstate or primary systems after the effective date of this Act.

Sec. 10. Landscaping and Scenic Enhancement.

(A) The Commission is authorized to acquire, improve and maintain strips of land necessary for the restoration, preservation and enhancement of scenic beauty within, adjacent to any federal-aid highway in this State, including the acquisition and development of such rest and recreation areas and sanitary and other facilities within or adjacent to the highway right-of-way as are necessary to accommodate the traveling public.

(B) The interest in any land authorized to be acquired and maintained in this section may be the fee simple or any lesser interest, as determined necessary by the Commission. The acquisition may be by gift, purchase, exchange or condemnation.

Sec. 11. Powers of Acquisition.

(A) The Commission is authorized to acquire by gift, purchase, exchange or condemnation any land, or interest therein, and any property or property right of any kind or character which it may deem necessary or convenient for the purpose of carrying out the provisions of this Act.

(B) Upon delivery to and acceptance by the Commission of instruments conveying to the State of Texas any interests in lands, property or property rights deemed necessary or convenient by the Commission to effectuate the purposes of this Act, the Commission shall prepare and transmit to the Comptroller of Public Accounts vouchers covering the Commission's costs in acquiring such interests in lands, property or property rights, and the Comptroller of Public Accounts is hereby

authorized and directed to issue warrants on the appropriate account covering the State's obligations as evidenced by such vouchers.

(C) Any land owned by the State of Texas or any agency or department thereof shall be controlled and shall be subject to the terms of this Act the same as though such land were in private ownership.

(D) The exercise of the powers of eminent domain authorized by this Act are the same as that authorized by Section 4, Chapter 300, Acts of the 55th Legislature, 1957 (Article 6674w-3, Vernon's Texas Civil Statutes).

Sec. 12. Recording; Disposal of Surplus Property.

(A) In the implementation of this Act all instruments conveying land or an interest in land to the State of Texas shall be recorded in the deed records of the county or counties wherein the land is situated. The State shall pay the fees for recording such instruments in the same manner as fees are paid for the recording of highway right-of-way instruments and in accordance with the laws of this State establishing fees to be charged by the county clerk for the recording of such instruments.

(B) Any land or interest in land acquired for the purpose of carrying out the provisions of this Act which becomes surplus and is, in the opinion of the State Highway Commission, no longer needed by the State for the purposes for which it was acquired or for highway purposes shall be disposed of in accordance with the provisions of Chapter 99, Acts of the 42nd Legislature, 1931, as amended, codified as Article 6673a, Vernon's Texas Civil Statutes.

Sec. 13. Penalty. Any person who willfully violates any provision of this Act or willfully violates any rule or regulation promulgated by the Commission in accordance with the requirements of this Act is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than \$25 nor more than \$200. Each day of such willfull violation shall constitute a separate offense.

Sec. 14. Appropriations. There is hereby appropriated to the Commission from the General Fund of the State of Texas \$100,000.00 to be used by the Commission for the implementation of this Act including but not limited to administrative costs and initial compensation for removal of billboards and the screening or removal of junkyards as provided under this Act. This appropriation shall be effective for such funding through the remainder of the 1971-1972 fiscal year ending August 31, 1972.

Sec. 15. Severability Clause. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 16. Emergency. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the Rule is hereby suspended.

S. B. No. 3

Ben Barnes
Lieutenant Governor

Rayford Hice
Speaker of the House

I hereby certify that S. B. No. 3 passed the Senate on
March 29, 1972, by the following vote: Yeas 28, Nays 1;
March 30, 1972, Senate concurred in House amendment by the
following vote: Yeas 26, Nays 2; passed subject to the provisions
of Section 49A, Article III, of the Constitution of the
State of Texas.

Charles Johnson
Secretary of the Senate

I hereby certify that S. B. No. 3 passed the House on
March 30, 1972, with amendment, by the following vote:
Yeas 114, Nays 31; passed subject to the provisions of Section 49A,
Article III, of the Constitution of the State of Texas.

Dorothy Hollman
Chief Clerk of the House

Approved:

April 3, 1972
Date

Preston Smith
Governor

I, Robert S. Calvert, Comptroller
of Public Accounts, do hereby
certify that the amounts
appropriated in the herein
S. B. No. 3, 2nd Called Session,
62nd Legislature are within the
amount estimated to be available
in the affected fund.

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:00 A.M. O'CLOCK

APR 4 1972

Secretary of State

Certified March 31, 1972.

Robert S. Calvert
Comptroller of Public Accounts

90 Day Bill
Effective - JUNE 27, 1972

S.B.-3

MAR 29 1972

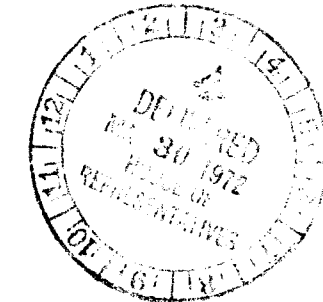
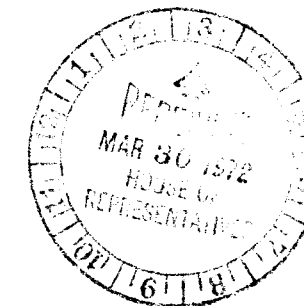
Received from
the Senate

Henry Hallman
Chief Clerk, House of Representatives

READ 1st TIME
AND REFERRED TO COMMITTEE ON

State Affairs
Henry Hallman
Chief Clerk, House of Representatives
MAR 29 1972

MAR 30 1972 REPORTED FAVORABLY SENT TO PRINTER



PRINTED, DISTRIBUTED AND

REFERRED TO COMMITTEE ON

RULES 3-30-72 (Time) 3-30-72 (Date)

inside

Providing for the preservation and enhancement of scenic beauty of lands bordering certain public highways; and declaring an emergency.

Filed with the Secretary of the Senate

MAR 28 1972 Read, referred to Committee on *Transportation*

MAR 29 1972 Reported favorably. *as amended*

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

MAR 29 1972 Ordered not printed.

Senate and Constitutional Rules to permit consideration suspended by
{ unanimous consent.
_____ years, _____ days.

MAR 29 1972 To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of *27* years, *2* days.

MAR 29 1972 Read second time and { ordered engrossed. *as amended*
~~passed to third reading.~~

MAR 29 1972 Caption ordered amended to conform to body of bill.

MAR 29 1972 Senate and Constitutional 3-Day Rules suspended by vote of *28* years, *1* days to place bill on third reading and final passage.

MAR 29 1972 Read third time and passed by { ~~a viva voce vote.~~
28 years, *1* days.

OTHER ACTION:

Richard J. ...
Secretary of the Senate

3-29-72 Engrossed

3-29-72 Sent to HOUSE

ENGROSSING CLERK

MAR 30 1972

S. 12 # 3

MOTION TO SUSPEND ALL NECESSARY RULES IN
ORDER TO TAKE UP AND CONSIDER AT THIS TIME
S. 12 # 3 PREVAILED BY NON-RECORD VOTE.

Dorothy Hallman

Chief Clerk, House of Representatives

MAR 30 1972

Read Second Time, *amended*
and passed to third reading by record vote
of *112* ayes, *29* noes.

Dorothy Hallman

Chief Clerk, House of Representatives

MAR 30 1972

Constitutional
Rule requiring bills to be read on
three several *clerk's* suspended by
A four-fifths vote.
Yeas *110* Nays *31*

Dorothy Hallman

Chief Clerk, House of Representatives

MAR 30 1972

Constitutional
Rule requiring bills to be read on
three several days suspended by
A four-fifths vote.
Yeas *124* Nays *17*

Dorothy Hallman

Chief Clerk, House of Representatives

MAR 30 1972

Read third time
and Passed
by following vote: yeas *114*
Nays *31*
Dorothy Hallman
Chief Clerk
HOUSE OF REPRESENTATIVES

MAR 30 1972

MOTION TO RECONSIDER THE VOTE BY
WHICH *S. 12 # 3* WAS
ADOPTED / PASSED AND TO TABLE THE MOTION TO RECON-
SIDER PREVAILED PASSED BY A *non record* VOTE OF
Dorothy Hallman
CHIEF CLERK HOUSE OF REPRESENTATIVES

Passed, subject to Sec. 49A,
Art. 3, Constitution of Texas.

Unanimously granted to amend
captioned bill No. *203*
conform to copy of bill.

MAR 30 1972 RETURNED TO SENATE

RETURNED MAR 30 1972 *with amendments*
FROM HOUSE

Senate concurred in House amend-
ments by the following vote: *26*
Yeas, *2* nays.